



UNITED STATES PATENT AND TRADEMARK OFFICE

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**JUN 18 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Eiji Ueda et al.	:	
Application No. 09/590,075	:	DECISION ON PETITION
Filed: June 9, 2000	:	PURSUANT TO
Attorney Docket No.: 2000 0727A	:	37 C.F.R. § 1.181
Title: BROADCAST DATA RECEIVING	:	
DEVICE AND METHOD FOR RECEIVING	:	
A PLURALITY OF MULTIMEDIA DATA	:	

This is a decision on the petition filed March 19, 2008, pursuant to 37 C.F.R. § 1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed August 13, 2007, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on November 14, 2007. A notice of abandonment was mailed on February 22, 2008.

With this petition, Petitioner has asserted that a response was submitted to the Office on February 12, 2008 along with a petition for a three-month extension of time. Petitioner has submitted a copy of this response, and it is noted that it does not appear to contain a certificate of mailing. However, Petitioner has included a copy of the postcard receipt that is associated with this submission, and it evinces that a "Petition for Three Month Extension of Time," an "Amendment," and a "Check

in the amount of \$1,050.00" was received in the Office on February 12, 2008.

Moreover, it is noted that both this response and the petition for a three-month extension of time have been located in the electronic file, and Office records reflect the receipt of \$1050 (the fee that is associated with a petition for a three-month extension of time) on February 12, 2008; therefore, it is clear that this response was timely received on February 12, 2008.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that a response was timely submitted.

Accordingly, the petition under 37 C.F.R. § 1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the response to the non-final Office action that was received on February 12, 2008 can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the withdrawal of the holding of abandonment has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>1</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/  
Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>1</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).